

REGULAR CITY COUNCIL MEETING
DECEMBER 8, 1997

PRESENT

Don Dafoe
Gayle Bunker
Robert Dekker
Robert Droubay
Dale Roper
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

ALSO PRESENT

Dorothy Jeffery
Neil Forster
Richard Waddingham
Judy Baker
Deb Greathouse
Greg Schafer
Derin Phelps
Curt Crosby & daughter
Todd Turner
Todd Holt
Cash Gilmore
Zach Peterson
Marissa Greathouse
Mary Greathouse
Rachel Gilmore
Jane Johnson
Arian Johnson
Pearl Osguthorpe
Jenny Gillmor
Joshua Turner
Troy Cunliffe
Dave Cunliffe
Lisa Cunliffe
Linda Gillmor
James Gillmor
Stephen Gillmor
David Larsen

City Recorder
Public Works Director
City Attorney
City Treasurer
City Librarian
City Employee
Millard County Chronicle/Progress
KNAK Radio
Annexation Petitioner

Becky Larsen
Cathy Mitchell
Tasha Mitchell
Marge Larsen
Katie Larsen
Lorie Black

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held on November 10, 1997 were presented for consideration and approval.

Council Member Dale Roper noted that there was a word missing on Page 2, paragraph 5, the first sentence has a word missing in the second line. The line reads "...because has not noted any crowding problems." The sentence should read "...because **he** has not noticed any crowding problems."

Council Member Glen Swalberg noted a typing error on Page 1, paragraph 2, the sentence reads: "Mayor Dafoe explained that he purpose of the Public Hearing. . .". The sentence should read "Mayor Dafoe explained that **the** purpose of the Public Hearing. . .".

Mayor Dafoe noted an error on Page 4, last paragraph, regarding comments by Ms. Hansen. The fourth line reads "...because it adds to the county unity and the services available. . ." The sentence should read "...because it adds to the **community** and the services available. . .".

In addition, Mayor Dafoe noted an error on Page 5, paragraph 2 regarding library grants. Sentence 9 reads "...a technology upgrade grant of which allow upgrade of the library computer system. . .". The sentence should read : "a technology upgrade grant **which allowed** upgrade of the library computer system. . .".

Following discussion, Council Member Gayle Bunker MOVED to approve the minutes of the Public Hearing held on November 10, 1997, as corrected. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held November 10, 1997 were presented for approval.

Following discussion, Council Member Dale Roper MOVED to approve the minutes of the Regular City Council Meeting held November 10, 1997, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held November 24, 1997 were presented for approval.

Mayor Dafoe noted a typographical error on Page 10, the next to last paragraph refers to "...the funding year in the 1998-1998 funding year..." The sentence should read "...the funding year in the 1998-1999 funding year..."

Following discussion, Council Member Glen Swalberg MOVED to approve the minutes of the Public Hearing held November 24, 1997, as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held November 24, 1997 were presented for approval.

Following discussion, Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held November 24, 1997, as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Robert Droubay MOVED to approve the accounts payable in the amount of \$12,128.90. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE AMENDING ZONING ORDINANCE TO PROVIDE ZONE FOR SEXUALLY ORIENTED BUSINESSES

City Attorney Richard Waddingham advised the Council that he has written a proposed ordinance amending the current Delta City Zoning Ordinance in order to provide a zone for sexually oriented businesses. In researching the zoning ordinance for this amendment, Attorney

Waddingham found that the Industrial Development Zone is aimed more toward manufacturing and industry, not commercial. It is Attorney Waddingham's opinion that the appropriate zone for sexually oriented businesses would be a light industrial zone, which would allow a mixture of commercial, along with industry and manufacturing. At present, our zoning ordinance allows for an Industrial Development Zone, however, Attorney Waddingham requested that the Council refer this matter back to the Planning & Zoning Commission for the purpose of determining whether the zone could be changed from Industrial Development to Light Industrial in order to fit better with the intent of the Council. Attorney Waddingham noted that our existing Zoning Ordinance allows for a Light Industrial Zone, however, there is no Light Industrial Zone appendix in the Zoning Ordinance, nor is there any property zoned Light Industrial in Delta City.

Public Works Director Neil Forster, who is also the Delta City Zoning Officer, advised the Council that, in reviewing this matter with Attorney Waddingham, it was noted that the Light Industrial Zone includes a list of activities which can be carried out in the zone. The designation as "development zone" is much more broad in what is allowed.

Following discussion of the various zones, permitted and conditional uses, Council Member Gayle Bunker MOVED to table action on this matter and refer it back to the Planning & Zoning Commission for their consideration as to changing the Industrial Development Zone designation to the Light Industrial Zone. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

FRANK THOMAS, DELTA HIGH SCHOOL ART INSTRUCTOR: PRESENTATION OF CHECKS TO WINNERS OF LIGHT PARADE POSTER CONTEST

Mayor Dafoe noted that there was a contest held at Delta High School for students who made posters advertising the Delta City Christmas Light Parade. Mayor Dafoe complimented the students on the quality of the posters and thanked them for their participation.

Frank Thomas advised the Council that this is the third year for Delta High School art students to be involved in making advertising posters for the Christmas Light Parade and expressed his appreciation for the opportunity to give the students this challenge. Mr. Thomas thanked the Council for their generosity of cash prizes, which helps generate interest in the contest.

Mr. Thomas presented checks in the amount of \$20.00 to those students receiving Honorable Mention: Rachel Gillmor, Christine Morgan, Tasha Mitchell, Zach Peterson, Joshua Turner, Tara Weeda, Tony Goulding, Marissa Greathouse, Cherie Springer, and Ariane Johnson.

Mr. Thomas then presented checks in the amount of \$30.00 to those students receiving Fourth Place: Rowdy Yates, Becky Larsen, and Jenny Lyman.

Mr. Thomas presented checks in the amount of \$40.00 to those students receiving Third Place: Christie Rosenkrantz and Troy Cunliffe.

Lorie Black received a check in the amount of \$50.00 for Second Place and Pearl Osguthorpe received a check in the amount of \$75.00 for First Place.

Mr. Thomas then presented to Delta City a print of a Constitution Art Prints and a copy of his current art print, titled "Nauvoo Farewell: The Exodus Begins", which was on exhibit for six weeks in the Joseph Smith Memorial Building in Salt Lake and is now on exhibit at the Springville Museum of Art until January. Mayor Dafoe accepted the prints from Mr. Thomas and expressed great appreciation for the gift.

Mayor Dafoe and the Council thanked all the students for their participation in the contest.

JOE TRUJILLO: ADOPT-A-DOG/CAT PROGRAM

Mayor Dafoe advised the Council that Mr. Trujillo called to let the Council know that he had been injured and was unable to attend the Council Meeting this evening. Council Member Gayle Bunker MOVED to table this item until Mr. Trujillo is able to attend the meeting. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

KURT CROSBY, KNAK RADIO: VIDEOS AND BOOKS ON TAPE IN DELTA CITY LIBRARY

Mr. Crosby advised the Council that his concern, on behalf of those business owners who rent videos, is that the Delta City Library could end up competing with local businesses. Mr. Crosby noted that Deb Greathouse, Delta City Librarian, had stated that, when the library began purchasing videos, she had talked with Robyn Howell at Gifts Unlimited, and had been advised by Mrs. Howell that she had no problem with the list of videos which the library intended to purchase. Mr. Crosby stated that he had recently talked with Mrs. Howell, who expressed concern that the Delta City Library had videos which could be checked out.

Mr. Crosby told the Council that he feels the Delta City Library should limit their stock to books and refrain from competing with local businesses, especially if local businesses will carry the items now available from the library. Mayor Dafoe noted that the list of videos available from the Delta City Library contained mostly "How To. . ." videos such as paint and wallpaper, vinyl floors, hardwood floors, drywall, ceramic tile, paneling, kitchen cabinets, etc. Mayor Dafoe also stated that we participate with sixteen other libraries in a revolving video and books-on-tape program. Mayor Dafoe also pointed out that most of the videos available in the Delta City Library are not frequently checked out. A list which he had showed most were checked out only two or three times in a two month period. The highest used video was checked out 13 times in a two month period.

Council Member Robert Droubay stated that the Council has been very careful to avoid doing anything which would compete with local businesses and suggested that we might check with some of the video rental businesses to see if any of the videos which we have are available outside

the library. Council Member Robert Dekker expressed concern for those in the area who cannot afford to rent a video from anyplace in town and would not want to see those people lose a service that Delta City is already providing. Council Member Dale Roper stated that it is not the intent of Delta City to compete with any business in town and noted that most of the videos available in the library are educational and probably not available at video rental stores.

Mayor Dafoe stated that this is a service that libraries provide, not only in Delta, but state wide, and felt that the service should continue. Mayor Dafoe is not in favor of the library getting into new release videos and expressed his opinion that those businesses who rent videos do not rent videos as their primary business - it is a supplement to their main business. Mayor Dafoe also restated Council Member Dekker's concern for those families who cannot afford to rent videos.

Mr. Crosby stated his concern for those people who cannot afford to pay any more taxes, even a small amount of additional tax burden. Council Member Gayle Bunker responded that it is the purpose of government to provide services for people who cannot provide services for themselves. Council Member Dale Roper reiterated to Mr. Crosby that the Delta City Library is providing a service for people who come to the library to obtain the items we provide for them. Delta City does not want to compete with local businesses. Council Member Roper felt that it would be impossible for a resident to go to any of the local video rental businesses and rent a video on ceramic tile or floor coverings. Council Member Roper acknowledged that there are probably some videos in the library for entertainment, but the majority of videos in the library are for gaining knowledge and information, which is the purpose of a library.

Council Member Glen Swalberg asked Librarian Deb Greathouse how many videos the Delta City Library owns. Ms. Greathouse advised the Council that there are approximately 260 videos owned by the library. Council Member Swalberg stated that, having been in the video rental business for about fifteen years, he sees only about 30-35 videos, on the list of videos owned by the library, which would be considered standard video store stock. Librarian Greathouse stated that 25% of the videos owned by the library are either for children or are fiction, all the others are non-fiction and information only. Council Member Swalberg expressed his feeling that 30-35 videos would not be competitive with any business in Delta City.

Council Member Roper advised Mr. Crosby that the Council is very concerned about competing with local businesses and that is a factor in every decision which is made. Mayor Dafoe stated that every decision is based upon how it will serve Delta City residents. There is a demand for this service in the library and it would be the recommendation of Mayor Dafoe that Delta City continue providing the service.

Mayor Dafoe noted that this item was on the agenda for discussion only, with a ten minute time limit, which has been exceeded. Mayor Dafoe reiterated that his recommendation would be to continue with the program as it is currently being handled.

City Attorney Waddingham advised the Council that state statutes are clear that part of the tax base is to be used for creating and maintaining a library. He also stated that competition with private enterprise is not, of itself, illegal; cities can compete with private enterprise.

Mayor Dafoe thanked Mr. Crosby for his comments and terminated discussion on the item.

CITY ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE ADOPTING
LOVELL-TURNER ANNEXATION

Mayor Dafoe stated that a public hearing for the purpose of receiving public comment regarding the proposed Lovell-Turner Annexation had been held at 6:30 p.m. this evening, with no adverse comments or opposition to the proposed annexation.

City Attorney distributed copies of the following ordinance to the Council:

ORDINANCE NO. 97-187

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH, PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF DELTA CITY, ESTABLISHING THE ZONE DISTRICT CLASSIFICATIONS FOR THE ANNEXED TERRITORY, AND ADOPTING AMENDMENTS TO THE DELTA CITY MASTER ANNEXATION POLICY DECLARATION FOR THE ANNEXATION IDENTIFIED AS THE "LOVELL/TURNER ANNEXATION."

Attorney Waddingham explained that the ordinance sets out the requirements which state law requires be followed. In addition, the ordinance fulfills the requirements of the Delta City Master Annexation Policy Declaration.

Following discussion of the proposed annexation, Council Member Gayle Bunker MOVED to adopt Ordinance No. 97-187, an Ordinance of the City Council of the City of Delta, Utah, providing for annexation of certain territory into the corporate limits of Delta City, establishing the zone district classifications for the annexed territory, and adopting amendments to the Delta City Master Annexation Policy Declaration for the annexation identified as the "Lovell/Turner Annexation." The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Yes
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

The motion passed unanimously.

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OTHER BUSINESS


Mayor Dafoe advised the Council that there will probably not be another Council Meeting scheduled until January 12, 1998, at which time the new Mayor will preside at the meeting. The swearing in ceremony for the new Mayor and City Council members will be held at 12:00 noon on January 5, 1998.

Council Member Robert Droubay was not able to attend the City Christmas Party and took this opportunity to commend Mayor Dafoe on his 19 years of service to Delta City and congratulated him on the tremendous job he has done, both as Council Member and as Mayor. Mayor Dafoe expressed appreciation to all members of the City Council and the City Staff for their support.

Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 8:10 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 01-12-98